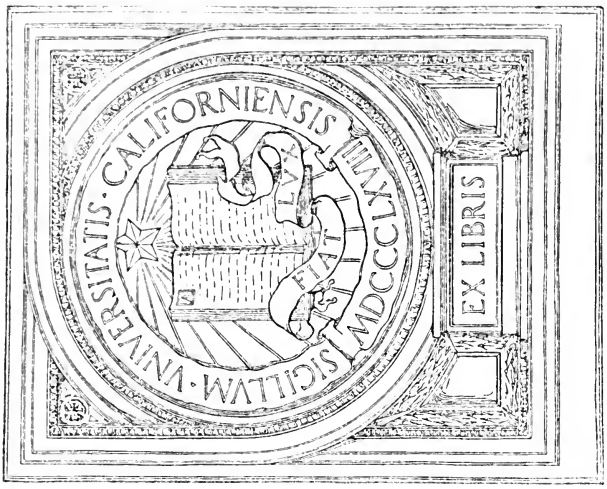

SPEECH

OF

HON. JOHN M. READ,

Meredith
1797-1874.

AT THE

DEMOCRATIC TOWN MEETING IN FAVOR OF THE UNION AND CALIFORNIA,

HELD IN THE

HALL OF THE CHINESE MUSEUM,

ON

Wednesday the 13th March, 1850.

[Philadelphia, 1850?]

DEMOCRATIC TOWN MEETING.

THE UNION AND CALIFORNIA.

THE DEMOCRATIC CITIZENS of the City and County of Philadelphia, who are determined to sustain the integrity of our glorious Union at all hazards, and the doctrines promulgated by the Democratic State Convention, held at Pittsburg on the 4th of July, 1849, and who are in favor of the immediate and unconditional admission of California into the sisterhood of States, are requested to meet in general TOWN MEETING, at the CHINESE MUSEUM, on THIS (Wednesday) EVENING, 13th of March, at 7½ o'clock, to express their opinions in relation to the affairs of the Union, and the course that should be adopted by the Democratic party.

The following is the resolution referred to above:

"Resolved, That the Democratic party adheres now, as it ever has done, to the Constitution of the country. Its letter and spirit they will neither weaken nor destroy; and they re-declare that Slavery is a domestic local institution of the South, subject to State law alone, and with which the General Government has nothing to do. Wherever the State law extends its jurisdiction, the local institutions can continue to exist. Esteeming it a violation of State rights to carry it beyond State limits, we deny the power of any citizen to extend the area of bondage beyond its present dominion, nor do we consider it a part of the Constitution that Slavery should forever travel with the advancing column of our territorial progress."

SPEECH OF JOHN M. READ.

FELLOW CITIZENS:—

We have assembled here this evening calmly, deliberately, and firmly, to express our opinions upon questions of vital importance to us and to our posterity, but in relation to which public sentiment in Pennsylvania has been too unequivocally declared to admit either of doubt or denial.

Pennsylvania is in favor of preserving forever the integrity and prosperity of our glorious and happy Union, of the immediate and unconditional admission of the Star in the West, of Democratic California, with her noble Constitution and her present boundaries, into the confederacy—and she is, and always has been, and ever will be opposed to the extension of slavery, and of its crimes and cruelties to the free territories of the U. States.

Does any man dare to doubt the attachment of Pennsylvania to the Union?

In this very city, within sight of this Hall, the Declaration of Independence was written and signed, which gave us a station among the Independent Nations of the Earth.

It was sanctified by the blood of our forefathers, who poured it out like water on the ensanguined fields of Brandywine and Germantown. In this very city, and within sight of this Hall, the Constitution of the United States was framed by the sages and patriots of the revolution, headed by the immortal Washington, "First in War, First in Peace, First in the Hearts of his Fellow-citizens."

Under the benign influence of this great charter of popular freedom, have sprung up a Republic and an Empire, such as the world has never seen. In the two foreign wars which the United States have waged, Pennsylvania has freely contributed her blood and her treasure, and no more gallant soldiers trod the battle fields of Mexico, than her brave and skilful volunteers. And Pennsylvania is now as she was in the time of the patriot Jackson, ready and willing to rally at the watchword of our country—"The Union, it must and shall be preserved."

Is there a man in Pennsylvania who will dare to say that he is opposed to the admission of California, with freedom inscribed on her banner? If there be one, let him call a meeting opposed to its admission! We will print his placards, distribute his circulars, publish his advertisements, and take Independence Square for his exclusive accommodation, and will even send to South Carolina to secure a seconder to his resolutions.

In the gloomy days of the Revolution, with her capital just rescued from the hands of an embittered foe, Pennsylvania passed her noblest act of domestic legislation, "The act for the gradual abolition of slavery." From this text, Pennsylvania has never deviated. Slavery is finally extinguished within her borders, and her citizens are now reaping the glorious harvest of free principles, sown by their ancestors seventy years ago.

In 1819, Pennsylvania passed her celebrated preamble and resolutions against the admission of Missouri into the Union, without a prospective prohibition of slavery. The vote was unanimous; it was no party question. It was the solemn decision of the people of a sovereign State.

It had been preceded by large meetings of the people without distinction of party, in various portions of the Commonwealth.

On the 23d of November, 1819, such a meeting was held in Philadelphia. Jared Ingersoll, a framer of the constitution, was the Chairman, and Robert Ralston, the Secretary, and it was addressed by Mr. Binney, whilst its Committee of Correspondence included the names of Thomas Leiper, John Connelly, Roberts Vaux, and the then Democratic Mayor of the city, James N. Barker; and upon the committees in the districts, are to be found the names of those Democratic veterans, John Goodman, Joshua Raybold, and Richard Palmer.

On the same day, a similar meeting was held at Lancaster, over which Hon. Walter Franklin presided, and the committee, of which Mr. Buchanan was a member, reported the strongest resolutions, especially directed to preventing "*the existence of slavery in any of the Territories or States which may be erected by Congress*," which were unanimously adopted.

On the 27th of the same month a similar meeting was held at West Chester, at which General Isaac D. Barnard acted as Secretary.

The preamble and resolutions of the 22d December, 1819, were offered by the Hon. W. J. Duane, a Democratic member from the city of Philadelphia, and were seconded by another, Mr. Thackara. In the Legislature, we find amongst its supporters, the mover afterwards, Secretary of the Treasury, the present Judges Coulter and Rogers, of the Supreme Court, the Hon. Wm. Wilkins, afterwards a Judge of the District Court of the United States for the Western District, the Pennsylvania candidate for the Vice Presidency in 1832, United States Senator, Minister to Russia, and Se-

cretary of War, whilst the Hon. Daniel Sturgeon became a member of the State Senate, then State Treasurer, and has been twice elected to the Senate of the United States

General Barnard became Secretary of the Commonwealth and a Senator, whilst Mr. Buchanan was elected to Congress in the fall of 1820, and continued there ten years, was sent to Russia by Gen. Jackson, and in 1835 became a Senator, which office he held for ten years, until appointed Secretary of State by the late President, Mr. Polk.

These were the rewards which Pennsylvania lavished upon the exponents of her feelings and principles in relation to the further extension of slavery.

In 1847, equally strong resolutions were passed in favor of prohibiting slavery in the territories to be acquired from Mexico. They were offered by a Democratic member from a Democratic county, and passed both bodies with but three dissentient voices, and were known to have received the cordial approval of Governor Shunk.

At the Baltimore Convention, in May, 1848, the prominent candidates for the Presidency were desirous of conciliating the favor of the South. This produced the rejection of one sovereign State with thirty-six electoral votes, and the representation of another by self-appointed delegates. The result was easy to be foreseen, but it was rendered inevitable by the adoption of an old resolution, upon which the South placed a construction not warranted by its words as applied to the period when it originated.

The Southern construction was, that the non-intervention recommended, applied to Territories, whilst the North contended that it was confined only to the States. The consequence was that neither section was pleased; and whilst New York and Pennsylvania wheeled out of the Democratic ranks, the Southern States either followed their example, or reduced their majorities so low as to be equivalent to a moral defeat.

This difficulty was severely felt in the Convention to nominate a Governor in August, 1848. The Baltimore Slavery Platform could not be adopted —that was impossible. To reject it, was to bring down upon the candidate the ill wishes of a Southern administration. The Convention, therefore, said nothing, and the consequence was the defeat of an individual who was believed to be against the extension of slavery, and the overwhelming rout of the Democratic party at the Presidential election.

It proved one fact conclusively, that the Democratic party of this State, cannot succeed when either openly or secretly arrayed against any principle which is interwoven with the education and feelings of its citizens. When therefore, the Democratic Convention met at Pittsburg on the 4th [illegible]ly last, it became evident that some resolution must be adopted expressive of the sense of the Democracy of the State, irrespective of the views entertained by their brethren in the Slave States.

The resolution embodied in our call, was the fruit of this reflection. It was mild, moderate, but decided, and after a full and fair discussion it was unanimously adopted. Then came the manly letter of our candidate, and upon its heels a glorious and overwhelming victory.

Upon this question, therefore, there can be no doubt that the Democracy of Pennsylvania are against the extension of slavery to the free territories acquired from Mexico.

Whenever the Whig and Democratic parties, at their regular Conventions, pass exactly similar resolutions upon any given subject, it is a foregone conclusion that they are but an expression of the will of the only true sovereigns in a free Republic, *the people*.

Having thus briefly reviewed the course of Pennsylvania upon the question of slavery, it may be profitable to enquire whether it has not been entirely consistent with the Constitution, and the uniform construction placed upon it by the Legislative, executive and judicial departments of the Government.

Four years ago no one would have asked so plain a question, but Constitutional heresies have been broached since that period, which neither the framers of the Constitution nor our wisest statesmen ever dreamed of, until the politicians of the South found that their ascendency in the Senate must be swept away by the overwhelming increase of the free white population of the country.

Territorial governments were established by the Congress of the Confederation, and by the Congress under the present Constitution. They have existed and flourished for upward of sixty years, and from them have proceeded thirteen of the present States. They are now discovered at this late day to be unconstitutional, and unwarranted either by the articles of confederation or by the Constitution of the United States. The framers of the Constitution did not understand that instrument. Washington, Jefferson, Madison, Monroe, Jackson and Polk did not understand it; but its true meaning has been discovered by individuals who have lived and prospered under institutions which they now proclaim to have been unwarranted by the paramount law of the land. Let us trace this question historically.

The words territory and territories as used in the original charters, of the various colonies, in the public documents preceding and succeeding the articles of confederation in the cessions from the various States, and in the contemporaneous legislation of the old Congress, included soil, land and water jurisdiction, domain and sovereignty. The same meaning has been attached to them in our treaties with foreign powers, in our acts of Congress, and even in the celebrated resolution for the conditional admission of Texas, and in some

cases they have been used to designate the whole of the United States, whether States or Territories.

The original title to a new country is founded on the right of discovery, and it confers upon the nation discovering it, the sovereignty and jurisdiction, with the right of pre-emption of the soil from its aboriginal inhabitants. This right belongs to it in its sovereign capacity, which enables it to extinguish the Indian title and to perfect its dominion over the soil and dispose of it according to its own good pleasure.

In the new territories therefore of America, discovery and the purchase of the Indian Title vested in the government, the soil, jurisdiction and sovereignty of the country, and of course of its inhabitants.

In the second charter of Virginia in 1609, the words used are "lands, countries and territories," and in the second charter of Carolina in 1677, the grant is of "all that province, territory, or tract of land," and "together with all and singular the ports, harbors, bays, rivers and inlets belonging unto the province or territory aforesaid," and in the charter of the province of Massachusetts of 1691, the words Province and Territory are used as synonymous, and in speaking of it, it is called by William and Mary "our said Province or Territory."

In the Georgia charter in 1732, the grant was of "all those lands, countries and territories," and the 7th article of the definitive treaty of peace between Great Britain, France and Spain, concluded at Paris on the 10th February, 1763, speaks of "the limits of the British and French Territories on the continent of America," which are irrevocably fixed by that treaty.

By the 9th of the articles of Confederation, federal Courts were directed to be constituted to settle disputes between two or more States, concerning *boundary*, *jurisdiction*, or any other cause whatever, each Judge of such Courts was to be sworn, and it was provided that "*no State shall be deprived of Territory for the benefit of the United States*," all controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdiction as they may respect such lands had, been adjusted, were to be finally determined as near as might be in the same manner as was prescribed for deciding disputes concerning *Territorial jurisdiction between different States.*

In the provisional articles of peace of the 30th November, 1782, the King of Great Britain acknowledged the Independence of the United States, and relinquished all claims to the Government propriety, and territorial rights of the same, and every part thereof.

In Jay's Treaty in the 9th article, the words "territories of the United States," are used in the largest sense, comprehending both States and Territories, as also in the 14th Article, which secures a reciprocal and prefect liberty of navigation and commerce between all the dominions of the King of Great Britain in Europe, "and the Territories of the United States"

The 15th and 16th articles use the words Territories in the same extensive sense, and the 13th relates to the admission of American vessels into the ports and harbours of the "British territories in the East Indies."

The determined stand taken by Maryland, in relation to the ratification of the articles of confederation, produced a series of measures by Congress, which no one, at the time, declared to be beyond their powers. That State, New Jersey, and Delaware asserted that the western country belonged to the United States. These measures were adopted with the express or implied approbation of Mr Madison, Mr. Jefferson, and Mr. Monroe, either in the capacity of delegates to Congress, or as representing the interests of Virginia. The first was the celebrated report and resolution of the 6th September, 1780, in which the States having claims to the western country are requested to make "*a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy.*"

This was followed by the resolution of the 10th October, 1780, which contemplated the disposal by Congress of the unappropriated lands ceded to the United States, and their settlement and formation into distinct republican States.

In pursuance of an act of the Legislature of New York, passed on the 19th February, 1780, the delegates from that State in Congress, on the 1st March, 1781, executed a deed of cession, conveying all the right, title, interest, *jurisdiction*, and claim of the State of New York to all lands and territories, to the northward and westward of the boundaries limited in said conveyance.

On the 1st March 1784, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, delegates in Congress from Virginia, by deed, assigned to the United States, in Congress assembled, all right, title, and claim, as well of soil as jurisdiction, which the said Commonwealth had to the territory or tract of country within the limits of the Virginia charter, to the northwest of the River Ohio, upon the conditions in the said deed specified.

One of these conditions was the protection of the French and Canadian inhabitants in their rights and liberties, and the confirmation of their titles and possessions. It prescribes, also, the disposition of "all the land within the territory so ceded to the United States," and not reserved for, or appropriated to, purposes mentioned in said deed, or disposed of in bounties to the officers and soldiers of the American Army.

On the 19th of April, 1785, Samuel Holten and Rufus King, delegates in Congress from Massachu-

setts, executed a deed of cession, conveying to the United States of America, for their benefit, all right, title, and estate of, and in, as well the soil as the jurisdiction, which the said Commonwealth had to the territory or tract of country within the limits of the Massachusetts charter, west of a certain line, and on the 14th of September, 1786, William Samuel Johnson and Jonathan Sturges, delegates in Congress from Connecticut, executed a deed of cession, conveying to the United States of America, for their benefit, all the right, title, interest, jurisdiction and claim which that State had to a certain territory or tract of country lying 120 miles west of the western boundary of Pennsylvania.

These territories, thus ceded, had been claimed by the United States, and also by the States of New York, Virginia, Connecticut, and Massachusetts.—The claims of the States were founded originally on the terms of their respective charters, and included not only the soil, and the right of pre-emption, but as complete a jurisdiction and right of sovereignty over the territory and its inhabitants, as if it had been in the most densely populated part of their Atlantic possessions.

When, therefore, they executed their deeds of cession, they parted with the soil, the right of pre-emption, and the sovereignty or jurisdiction which they claimed to exercise within their charter limits, and the whole vested in the United States of America. No one could sell the lands or govern the people in those territories, but their recognized organ, the Congress of the confederation, and we accordingly find that both objects were separately the subjects of distinct Congressional Legislation.

The government of the people was the first object and the preparation of the ceded territories for their erection into Republican States which should become sovereign members of the confederacy. Accordingly on the 19th April, 1784, Congress took into consideration the report of a committee, consisting of Mr. Jefferson, Mr. Chase and Mr. Howell, to whom was re-committed their report of a plan for the temporary government of the western territory. A motion was made by Mr. Spaight, of North Carolina, seconded by a delegate from South Carolina, to strike out this paragraph:

"*That after the year* 1800, *of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said States otherwise than in punishment of crimes whereof the party shall have been convicted to have been personally guilty.*"

It was struck out, all the States North of Mason and Dixon's line voting for it, as well as Mr. Jefferson and Mr. Williamson, of North Carolina. After some other amendments the resolution was adopted, on the 23d April. This report and particularly this provision against the existence of slavery in the new States was understood to be the production of Mr. Jefferson.

This resolution provided for the temporary government of the north western territory, and prescribed the size of the States, and the time and manner of their admission, and the principles upon which both the temporary and permanent governments should be established. It is clear that neither Mr. Jefferson nor any member of that Congress doubted the power of that body to acquire territory and to legislate for it and its people, by providing first a temporary government, and secondly for the future formation of independent sovereign States which should be admitted into the confederacy—and still further, it is equally clear that Mr. Jefferson and a real majority of the States included the power to prohibit slavery as within their legitimate authority.

Congress having thus provided a plan for the temporary and permanent government of the Territory, next directed their attention to the sale of the public lands within it, to which the Indian title had been extinguished.

On the 7th May, 1784, a Committee of which Mr. Jefferson (who had been the Chairman of the Committee on the plan for the government of the Territories) was Chairman, reported "an ordinance for ascertaining the mode of locating and disposing of lands in the Western Territory, and for other purposes therein mentioned." This ordinance, as amended, passed on the 20th May, 1785, and formed the ground work of the present land laws of the United States.

It was, however, deemed expedient to repeal the Resolve of the 23d April, 1784, which was accordingly done by Congress, who on the 13th July, 1787, passed the celebrated ordinance for the government of the Territory of the United States North-west of the River Ohio."

It regulated the descent of intestate estates in the Territory, and also devises by will and the conveyance of real estate, with the mode of proof acknowledgement and record, and established also the transfer of personal property by delivery, saving to the French and Canadian inhabitants and other settlers of the Kaskaskias, St. Vincents, and the neighboring villages who had theretofore professed themselves citizens of Virginia, their laws and customs then in force relative to the descent and conveyance of property.

It then gave a temporary government to the Territory or District, consisting of a Governor, Secretary and three Judges, the Governor and Judges being invested with the legislative power until the organization of a general assembly, which was to consist of the Governor, a legislative council appointed by Congress from the nominations made by the Representatives and a House of Representatives, which Council and House were authorized by joint ballot to elect a delegate to Congress who was to have a seat with the right of debating, but not of voting during this temporary government.

The second or permanent part of the ordinance established the principles in the shape of articles,

which were six in number, by which both the temporary and permanent governments should be forever regulated, and provided for the formation of not less than three, nor more than five States in the territory, and their admission into the Union; provided, the constitution and government to be formed by such States, should be republican, and in conformity to the principles contained in the said articles.

The 4th and 6th of these articles, which applied expressly to the territory, whether under the temporary or permanent form of government, declared two great principles of freedom, the one was the freedom of the navigable waters leading into the Mississippi and St. Lawrence, the other the freedom of the soil *by prohibiting forever the existence of slavery within this favored region*, a provision which was merely an enlargement of Mr. Jefferson's favorite proposition in the Congress of 1784.

These six articles were adopted by the unanimous vote of all the States (including Virginia) represented in Congress, and it was declared that they should be considered as articles of compact between the original States and the people, and States in the said territory, and forever remain unalterable unless by common consent.

As these articles interfered with some of the provisions of the deed of cession from Virginia, it became necessary to procure her consent, which she gave by an act of her Legislature, ratifying and confirming the 5th article of the compact which refers to and recognizes the other five articles.

It was clearly a compact to which the United States, and the people and States in the Territory, and the State of Virginia were parties, and which must remain unalterable unless by the common consent of all.

This ordinance had been the subject of discussion in Congress ten months before its adoption. Mr. Gorham, Mr. King, Mr. Madison and Mr. Butler who were members of the Federal Convention were also Delegates in the Congress which sat in New York. Mr. Madison was present in Congress whilst this ordinance was on second reading, and we find his name on the Journal, on the 22d April, 1787, and on the next day he wrote a letter to Mr. Jefferson, from New York, in which he says, "*the present deliberations of Congress turn on, first, the sale of the Western lands, secondly, the Government of the Western settlements within the Federal domain.*"

On the 9th May, Congress proceeded in the second reading of the ordinance, and it was ordered to be transcribed, and the next day was assigned for a third reading. On the 10th May, when it came up in order, it was postponed, Messrs. Gorham and King were then present, and voting, as appears by the Journal. From the 11th May to the 6th July, Congress only met and adjourned, there not being a quorum. And on the 11th July, the Committee to whom it had been referred reported the ordinance, and it was read a first time on that day, a second time on the 12th, and a third time on the 13th.

The passage of this ordinance is mentioned in the Pennsylvania Packet of the 21st July, 1787, published in Philadelphia, by John Dunlap and David C. Claypoole, and the whole appeared at length in the August number of Mathew Carey's American Museum for that year.

The Federal Convention adjourned on the 26th July until Monday the 6th August, and on Thursday the 2d August, Mr. Pierce Butler appeared in Congress, in New York, and produced his credentials as a delegate from South Carolina.

On the 28th August, in the Federal Convention, Mr. Butler and Mr. Pinckney moved, to require fugitive slaves and servants to be delivered up like criminals. This was opposed, because it would oblige the Executive of the State to do it at the public expense, and the proposition was withdrawn. On the next day, Mr. Butler moved a proposition which was evidently taken from the sixth article of the ordinance of the 13th July, and which in more compact phraseology forms the third clause of the second section of the fourth article of the Constitution.

After the adjournment of the Convention on the 17th September, Mr. Gorham, Mr. King, Mr. Butler and Mr. Madison took their seats again in Congress, at New York, and we find the names of the three first named gentlemen, on the Journal on the 24th September, and on the next day that of Mr. Madison also, who on the 30th wrote to General Washington respecting the feelings of Congress, and of the people in relation to the act of the convention. On the 5th October, General St. Clair was elected Governor, and Winthrop Sargent Secretary of the north western territory.

On the 9th August, 1787, South Carolina had made her cession of soil and jurisdiction to the United States.

At the time therefore, of framing the Constitution the settled policy of the United States, was clearly and distinctly defined and known to all the members of the Federal Convention. It was 1. To dispose of the public lands, this was the subject of a separate system, which has always been kept by itself, and forms the business of a distinct department of the Government.

2. To Legislate for and to form temporary or Territorial Governments, for the territory belonging to the United States.

3. To provide for the admission of New States.

All these powers had been exercised without question by Congress, and we have the highest authority for saying, that the power of acquiring territory, necessarily brings with it the power of Legislation.

Whilst in its territorial form, it does not appear to have been doubted that such a power would

exist without any positive provision in the Constitution.

A provision was therefore made for the admission of new States, but in the original report the territories were entirely omitted.

Upon a suggestion, however, of Mr. Carroll of Maryland, who was afraid that the claims of the United States to the Western Territory might be denied, if not mentioned in the constitution, that which now forms the 2d clause of the 3d section of the 4th article was adopted.

The whole 3d section refers 1. To the admission of new States—

2. To the dispoal of the public lands which is included in the words "The Congress shall have the power to dispose of the *Territory* or other property belonging to the United States," the words being the same as those used in the Land ordinance of the 28th May, 1785, which says, "the Territory ceded shall be disposed of in the following manner."

3. To the legislation for and the temporary government of the Territories, which are provided for in the words "Congress shall have power to make all needful rules and regulations respecting the Territory or other property belonging to the United States," using the word territory in its largest sense as understood in the Deeds of Cession and in the ordinance of the 13th July, 1787. This means Jurisdiction and Sovereignty, and confers upon or recognises in Congress the same power as had been exercised by the old Congress.

This is made more evident when we refer to the concluding words in this clause, "and nothing in this constitution shall be so construed as to prejudice any claims of the United States or of any particular States." Now this means neither more nor less than the claims of either to the jurisdiction, Soil and Sovereignty of the Western Country.

The word Territory in its largest sense includes lands, soil, jurisdiction and sovereignty, and as the power to sell includes the lesser power to mortgage, so the power to dispose of Territory supposing it used in its most extended meaning includes the power to sell the public Lands agreeably to the present system, which commenced before the adoption of the Constitution.

The cession of Virginia included in it Lake Michigan, an inland sea, half of Lakes Erie, Huron and Superior, and a tract of country equal to many of the kingdoms of the Old World. How absurd, then, is it at this day to apply to a constitution for an empire, a construction which would be rejected, not simply by statesmen of enlarged intellect, but by the humblest lawyer that ever practised before a justice of the peace?

The words used in this clause are, indeed, of the most extensive signification, as we have already seen. The same extended meaning of territory and territories, is to be found in the laws and treaties of the United States, as in the Louisiana treaty, by which France ceded to the United States, "*forever and in full sovereignty*," *the territory* of Louisiana, in the Treaty of Ghent, and in the Convention of 1815, "to regulate the commerce between the territories of the United States, and his Britanic Majesty," in the Convention with Great Britain of 20th October, 1818, which left open for ten years, the country west of the Stony Mountains, to the vessels, citizens, and subjects of the two powers—in the Treaty of 1819, by which the King of Spain ceded to the United States, the territories of East and West Florida, and all his right to the territories east and north of a line fixed by the treaty, and by which we ceded the Territory of Texas to Spain, in the 8th section of the Missouri act of 1820, and in the Convention with Great Britain, of the 6th August, 1827, "with respect to the territory on the northwest coast of America, west of the Stony or Rocky Mountains—in the convention between the United States and the Republic of Texas, of the 25th of April, 1838—in the Treaty with Great Britain of the 9th August, 1842—in the Joint Resolution for annexing Texas to the United States, and lastly in the celebrated treaty of 15th June, 1846, which was "to terminate the state of doubt and uncertainty which had hitherto prevailed respecting the sovereignty and government of the territory on the north-west coast of America, lying westward of the Rocky or Stony Mountains."

So the words "rules and regulations," in the language of that day, included all ordinary acts of legislation, as well as the framing of temporary governments for the people of the territories. How much has been done for the prosperity and happiness of our beloved country, under the simple words, "Congress shall have power *to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.*"

This power to make needful rules and regulations was to be carried into execution by Congress agreeably to the first article of the Constitution.

We accordingly find that the ordinance of 1787 is confirmed and extended by the act of the 7th August, 1789, and that in her cession of the 25th February, 1790, of what is now the State of Tennessee, North Carolina provided that it should be subject to the ordinance of 1787, except the sixth article, and that Congress should at the same time assume the government of the said ceded territory, and execute it in a manner similar to that which they support in the territory west of the Ohio, and a like provision is to be found in the cession by Georgia in 1802, and in the year 1800, Connecticut released to the United States the jurisdictional claim of that State to the Western Reserve of Connecticut.

From this constitutional power of Congress have arisen fifteen territorial governments, which have all terminated in State governments, but two,

Oregon and Minesota. We have solemn decisions of the Supreme Court of the United States recognizing this power in 1810, 1819, 1828 and 1840, of the Supreme Court of Mississippi in 1818, of Missouri in 1824, of Louisiana in 1830, and of Kentucky in 1820, the four last decisions affirming the constitutionality of the sixth article of the ordinance of 1787.

This question was solemnly decided in 1820, by three-fourths of the votes of both Houses of Congress and the unanimous sanction of Mr. Monroe and all his Cabinet, and this decision was repeated and ratified in the Oregon Territorial Bill, passed by Congress and signed by President Polk, with the unanimous approval of all his cabinet. At the same time the position taken by Pennsylvania in 1819, was affirmed by the resolution for the conditional admission of Texas, by which a prospective State to be created out of it could only be admitted with a perpetual prohibition of slavery, a provision deliberately sanctioned and approved by President Tyler, Mr. Calhoun and the rest of the Cabinet, and also by President Polk, Mr. Buchanan and the other members of his Cabinet.

It is therefore too late in the day to dispute a construction of the constitution upon which depends by far the largest portion of the present Empire of the United States of America.

The annexation of Texas, a slave State, produced a war with Mexico, a free State, and first by conquest and then by purchase and by treaty, we acquired from her the free Territories of New Mexico and California. This is established by the decree of President Guerrero of the 15th December, 1829, and by the act of the Mexican Congress of the 5th April, 1837, as published by Mr. Buchanan when Secretary of State, and also by the Constitution of the Mexican Republic of the year 1843, by which it is declared, "no one is a slave in the Territory of the Nation, and any introduced shall be considered free, and shall be under the protection of the laws."

By the Law of Nations these territories so acquired remain free until the law is changed by a competent power as in this case by Congress.

This plain position has, however, given rise to what may be called the South Carolina heresy, which acknowledges the power of Congress over the territories, but denies it upon the subject of slavery, and which assumes the ground that all territory belonging to the United States is slave territory by the Constitution.

The effect of all this would be, that if we had conquered all Mexico, it would instantly have become slave territory, and the same rule would be applied to the peaceable or forcible acquisition of the British Provinces.

The armies of the United States, according to this theory, march into free States with slavery inscribed on their banners, and they hold out to the conquered, the inevitable introduction of the crimes and cruelties of slavery as the glorious fruits of conquest.

There is nothing in the constitution of the United States to warrant so preposterous an idea. Its remaining compromises are but three, they embrace the apportionment of Representatives and direct taxes among the States, according to the federal numbers, the requisition that capitation and other direct taxes shall be laid in proportion to the census, and the clause which provides that fugitives from labour in one State, escaping into another State, shall be delivered up. The most refined ingenuity can extract nothing from these propositions to favour a heresy so erroneous, which would render slavery and its extension the sole object of the Constitution.

The Pittsburg resolution on this branch of the question is most accurate. and expresses the real condition of slavery and slave property in the Union. The state of slavery is deemed to be a mere municipal regulation founded upon and limited to the range of the State laws.

The true answer however, is to be found in the Constitution. The territories belong to the United States in its sovereign capacity, and the Constitution has devolved the power of governing and legislating for them upon Congress exclusively, and no State, nor any of its citizens, under any pretence, can control or nullify their action. These are the plain words of the supreme law of the land, and the repeated and undisputed exercise of this power in relation to slavery has added precedent to principle.

One word about an obsolete idea—the Missouri compromise. In 1811, in secret session, Congress determined the Floridas should never pass from Spain into the hands of any power but the United States. In the treaty of 1819 they were ceded to us, we ceded Texas to Spain, and at that moment our title to the Oregon Territory was as complete as it was upon the inauguration of President Polk.

The Missouri compromise, therefore, was the admission of Missouri, and the future admission of two slave States, Florida and Arkansas on the one side, and the admission of Maine and the surrender of all the remaining Territory of the United States to freedom on the other.

The annexation of Texas added upwards of three hundred thousand square miles of Slave Territory, whilst the Oregon Treaty negotiated by a southern administration surrendered five degrees and forty minutes of Latitude of our free Territory to Great Britain; as a compensation for Texas, and the loss of nearly four hundred miles of the Pacific cost, we are clearly entitled to the whole of New Mexico and California, as free territory, and which came to us as such.

Besides the running of the line of 36.30 to the

Pacific would dismember California, and make all future acquisitions from Mexico with Free Soil—slave Territory, an absurdity too great to be even stated in a free state.

The power of Congress over the territories, and over the admission of new States, provides for the very case of California, which Congress can admit into the Union, if they deem it just and expedient.

It is true that the other new States of the West, except Texas, have been preceded by territorial forms of government, which emanated, directly or indirectly, from the Ordinance of 1787; but it is clear, as in the present instance, that Congress may not choose the territory to go through any of the grades of territorial government, but that it shall assume at once the last and perfect form, that of a State. Such was the case of Texas, unquestionably. This may be done by a previous Act of Congress pointing out the mode in which the State shall be organized, or it may be done by an Act ratifying what the people of the new State have already accomplished, as in the case of Tennessee and Michigan, a slave and a free State admitted into Union under the two glorious administrations of Washington and Jackson.

The case of Tennessee is most appropriate. The territorial legislature, the creature of Congress, took a census called a convention, which framed a constitution under which a state legislature was organized, which elected two Senators, whilst the people elected one Representative, and they then asked for admission into the Union. Congress unhesitatingly passed an act for her immediate admission into the Union on the 1st June, 1796.

Forty years afterwards, Michigan adopted the same course, and upon the precedent of Tennessee was admitted into the Union, with Arkansas, which had also framed a State constitution without the sanction of any previous Act of Congress.

The exercise of the power of Congress over the territories has been of the most plenary kind. In the district of Lousiana it devolved the government upon the Governor and Judges of the Indiana territory. It was afterwards called the Territory of Lousiana, and a Governor and Judges were appointed by the President, by and with the advice and consent of the Senate. The executive power was vested in the Governor, the judicial in the Judges, and the whole legislative power of the territory in the two combined, thus giving to four officers of the general government the power of legislating for all its inhabitants.

There can be no doubt, therefore, that California can be constitutionally admitted into the Union as a State, with her present constitution and boundaries.

Congress refused to give California a territorial form of government, but its members distinctly hinted that its people should form a State government, a policy which was clearly favored by both the present and the late administrations.

With an almost untraversed desert between her and the Atlantic States, with a population increasing in numbers beyond all human calculation, and with the richest mines of the most valuable metal, worked by the free labor of our most intelligent and hardy citizens, and with a foreign and domestic commerce unparalleled in the annals of the United States, a State government became a State necessity. The crisis admitted of no delay—a convention was called—a constitution formed, a model for all future States, and almost unanimously adopted. A State Legislature and members of Congress, and Senators have been elected, under it, and this great and glorious free State of the Pacific is now knocking at the door of the Senate house for admission into the Union as an independent member of the confederacy.

Sound policy dictates her immediate and unconditional admission. With such a State on the great western ocean, we require no army or navy to preserve her from foreign invasion or aggression. Her citizen-soldiers, and sailors would protect her against the attack of the most powerful nation in the world.

It is just and expedient to give our brethren in the far west the protection of a settled government and laws, and to invest her authorities with all the powers of a perfect State organization.

I therefore speak the united voice of the people of Pennsylvania, when I say that the State of California should be immediately and unconditionally admitted with her present constitution and boundaries into the Union.

I have no wish to bandy words with our brethren of the South on this question, or on that of the extension of slavery to the free territories of the United States. They are separate and distinct questions, and should be separately dealt with by Congress.

The pressing question is the admission of California, which should be discussed and acted upon alone, unclogged with any other measure or considerations, and the friends of the Union will act wisely and prudently in pressing it in this separate and distinct form.

I have no fear that its admission will weaken or dissolve the Union The Southern politicians have been too much committed in favor of this policy by their open and repeated declarations to risk any thing upon so absurd an issue.

It is true they wish to preserve their ascendency in the Senate, which is a part of the Executive as well as of the legislative branch of the government, and which has enabled them to control the course of Executive action, but their murmurs will be hushed into silence the moment Congress passes an act for the unconditional admission of California.

The preservation of the remaining free territory acquired from Mexico as free territory, will never dissolve the Union. No Nashville Convention, if

it ever dares to meet, can effect this object, and I would willingly trust the moral traitors who preach disunion to the patriotism of our brethren, the people of the South, who will never permit a few ambitious men to sever our glorious Union.

Upon this question the free States are clearly in the right. They simply follow and carry out the principles of the constitution, and the directions and practice of Washington, Jefferson, Madison, Monroe, Jackson, and Polk.

The North and the South are essential to each other. We are the same people with the same interests, and by the American invention of the electric telegraph brought within a few hours of each other.

I would never, therefore, say to our brethren of the South, you are weak because of the peculiar institution which your capitalists consider so essential to your happiness. But it is our duty to say to the partisan politicians who are attempting to create capital for themselves, that you never can unite the Southern people in a conspiracy to dissolve the Union.

The South has no ships, no navy, no sailors, and it certainly wants no standing army to spend its treasures, and to clothe its officers with despotic power. Delaware, Maryland, Western Virginia, Kentucky, and the whole mountain range of country which divides the Atlantic States from those on the Mississippi and even Missouri, are either virtually free, or soon will become so; and is it possible to suppose that a few fanatical politicians can unite these discordant elements in favor of a measure which, if carried out, would destroy the value of all slave property in the slave States.

The prosperity of Lousiana depends upon the Union. Florida cannot exist without it, and Tennessee, the burial place of the hero of New Orleans, has refused to welcome the pilgrims of the one idea.

The South cannot alter the course of nature. The black race is not increased by emigration, and the existence of the peculiar institution prevents the influx of white emigrants into the slave States. The free States of the North and West must, therefore, always outstrip them in the race of population.

But free labor requires free soil. The slave, the peasant or laborer of the South, is the declaration of its champions, and they have compared him to the free citizen of the free States, who can cultivate the land, build houses, dig his own gold, sail his own ships, educate his own children, and protect the soil by his own right arm from invasion.

I will not answer so unworthy an attempt to degrade my fellow-citizens to the level of slaves, whom their masters will neither teach to read or write, nor allow to read the Bible, and with whom the connection of the sexes is but concubinage, and who can be sold at public auction, like our brute beasts, to the highest bidder.

A free State on the Pacific can defend itself whilst a slave State would require the army and navy of the United States to protect it from domestic insurrection, or foreign invasion.

In Pennsylvania we have a peculiar interest in the success of California, for our Central Railroad is the first link in the chain which is to bind us to Saint Louis and San Francisco. This link unites the metropolis of western with that of eastern Pennsylvania, numbering between them more than half a million of free inhabitants.

Congress has the power of exclusive legislation over the District of Columbia, and can abolish slavery and the slave trade in it any at moment. It is a disgrace to the capital of a free Republic to have in it slave markets, when the sultan of Turkey has prohibited them in Constantinople, a Mahommedan city. But if the inhabitants of the district are unwilling to have the benefits of freedom extended to them, I would not force such a measure upon them, but would retrocede the remaining part of the District to Maryland, and remove the seat of government to Pittsburg, a city of its own right hand, situated at the head of the Ohio, in the vicinity of the Lakes and upon the direct route to the Great Western Ocean, and occupying a central position which would render it a fit capital, when the British Provinces and Mexico, by peaceful annexation, have become integral parts of the United States of North America.